



Town of Arlington
Department of Health and Human Services
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**Board of Health Meeting Minutes
Wednesday, October 12, 2016
BOH Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Christine Bongiorno, Director, Natasha Waden, Health Compliance Officer, Ivy LaPlante, AYHSC

Others in Attendance: Sara Friedman, Regis College, Weston; Chris Marshall, Otto Pizza

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:36 pm.

A Motion was made by Mr. Kohlberg, which was seconded by Dr. Fallon, to table the September 14th, 2016 meeting minutes until the December 7, 2016 meeting.

Vote: Motion approved unanimously (3 - 0)

Hearing: Variance Request – Otto (Moved and Revisited)

Inspector Waden introduced a variance request submitted by Otto Pizza, concerning the establishments' potential to use time as a public health control for the safe display of pizzas. Mr. Chris Marshall was present to address the Board and answer any questions regarding this request. The Board stated that Otto provided a comprehensive plan which was thorough including all necessary logs and training guidelines. Mr. Marshall stated the pizza will be discarded after 2 hours which is below the acceptable time allowance, but is their business policy. He stated they will only display 4 pizzas at a time, and the type of pizza will vary daily. He reported they also use time as a public health control at their other establishments. Ms. Waden informed the Board that upon a recent inspection, she noted a couple of procedures that needed adjustment, and has worked with Otto to correct and have since been rectified.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to approve the variance request for Otto Pizza to use time as a public health control for the safe display of pizza at their establishment located at 202 Massachusetts Avenue, Arlington, MA.

Vote: Motion approved unanimously (3 - 0)

Discussion: Medical Marijuana and Special Town Meeting – Article 11

ARTICLE 11 ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTERS, REGISTERED MARIJUANA DISPENSARIES SITING 500 FEET FROM SCHOOLS, AND NOT WITHIN THE SAME BUILDING AS EARLY EDUCATION PROGRAMS.

To see if the Town will vote to amend the Zoning Bylaws to institute a buffer zone as a criteria for obtaining a special permit for Medical marijuana Treatment Centers (Registered Marijuana Dispensaries) as defined in Chapter 369 of the Acts of 2012, namely being a 500 foot buffer from Medical Marijuana Treatment Centers to elementary schools, middle schools, or high schools that are under the supervision of the Massachusetts Department of Elementary and Secondary Education, as well as a prohibition on medical marijuana Treatment Centers from locating within the same building or structure as an early education child care program licensed by the Massachusetts Department of Early Education and Care, as well as create a buffer of 1,000 feet between any Medical Marijuana Treatment Centers; or take any action related thereto. Any buffer under this section will be measured by way of direct pedestrian access from the closest point of the building containing the Medical Marijuana Treatment Center to the closest point of the building of the school or other Medical marijuana Treatment Center.

(Inserted at the request of Valerio Romano and 100 Registered Voters)

Ms. Bongiorno presented the Board with a Memo dated October 7th regarding Article 11 Buffer Zone for Registered Marijuana Dispensaries (above). She additionally presented the Board with a memo from Town Counsel, Douglas Heim regarding this matter. Ms. Bongiorno asked for the Board's thoughts regarding amending its Medical Marijuana Regulations. Ms. Bongiorno informed the Board there are two upcoming meetings including: a Redevelopment Board meeting on October 17th, and a Special Town Meeting on October 19th.

Ms. Bongiorno stated the new interpretation from DPH regarding Buffer Zones leaves Communities confused as to what is included within the 500' buffer zone and stated that the language from DPH is vague such as "where children congregate". Ms. Bongiorno noted the above article 11 was submitted by proponents of the Registered Marijuana Dispensary on Water Street. The Board discussed the 500' Buffer Zone and felt it was very important to clear up the confusion regarding what is included in the language and what is interpreted to be "where children congregate". Ms. Bongiorno also expressed concern that Licensed Day Care Centers, and other Licensed Organization who provide services to children may not be protected under the current language. The Board requested the following language be included in the article:

Including any state, federal or locally licensed agency or organization that is licensed to provide services such as educational, recreational and healthcare services to children. Additionally, the Board of Health recommends including parks, playgrounds and recreational areas.

Dr. Walsh Condon reiterated that the Board does not want to restrict access for patients to obtain medicine, but they also need to be sensitive to the health and well being of children as well.

Dr. Walsh Condon also referenced an error on page 4 of Town Council's Memorandum (paragraph 2) that it is DPH's shifting perspective, not BOH's shifting perspective on several key issues. Dr. Walsh Condon stated the Arlington Board of Health has been very consistent regarding its perspective.

Ms. Bongiorno informed the Board she would present that language to the Redevelopment Board at their Meeting scheduled for Monday October 17, 2016.

Environmental Updates:

Ms. Bongiorno informed the Board that Article 10 in the Warrant for Special Town Meeting is a Zoning Bylaw Amendment for Rock Removal Regulations.

ARTICLE 10 ZONING BYLAW AMENDMENT/ROCK REMOVAL, REGULATED

To see if the Town will vote to amend the Zoning Bylaw, Section 11.03, in the following manner:

By inserting in the present text the word or between sand and gravel and deleting the words quarry stone; and

By adding the following words: No quarry stone, rock or ledge shall be removed except by permission of the ZBA. Before granting such permission the ZBA shall hold a public hearing, notice of which shall be given (at petitioner's expense) to all property owners and residents within an 1,800 foot radius of the site. In granting permission for the removal of such quarry stone, rock or ledge, the ZBA may impose such requirements as will give appropriate weight to the right of those affected to the quite enjoyment of their homes.

So that said section, as amended, will read as follows:

Section 11.03 – Removal of Sand, Gravel, Quarry, or other Earth Materials

No sod, loam, sand or gravel shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws) except by permission of the ZBA. No quarry stone, rock, or ledge shall be removed except by permission of the ZBA. Before granting such permission the ZBA shall hold a public hearing, notice of which shall be given (at petitioner's expense) to all property owners and residents within an 1,800 foot radius of the site. In granting permission for the removal of such quarry stone, rock, or ledge, the ZBA may impose such requirements as will give appropriate weight to the right of those affected to the quite enjoyment of their homes.

Or take any action related thereto.

(Inserted at the request of John L. Worden III and 100 Registered Voters)

Ms. Bongiorno informed the Board that the Health Department had received several complaints from neighbors in the vicinity of 108 Irving Street after a Contractor purchased the home, and upon clearing the land for a new development was using a jack hammer to eliminate ledge. The Health Department received several complaints and Inspector Waden went out on numerous calls to investigate the complaints. An arrangement was made with the contractor that they would limit the hours of operation from 7:00 am to 4:00 pm and the contractor agreed not to work weekends. Ms. Waden also took noise measurements to see if the town bylaw regarding noise was being violated, and she shared those readings with the Board. Inspector Waden also stated that several other construction projects including Reid Street, Oakland Ave., and Kensington Park were reported to the Board of Health.

Inspector Waden also informed the Board that the Health Department has been very active in trying to reduce the rodent population, and recently applied dry ice to burrows on town property in an effort to reduce the rodent population. As per the Boards request, Inspector Waden reviewed several rodent complaints to see if there was any correlation between complaints and recycling/trash days throughout the community. At 15 Random samplings, only 2 correlated, and therefore it is belief of the Health Department, that recent rodent activity does not correlate with Recycling/Trash Day.

Ms. Bongiorno informed the Board that Hannah Fast, Public Health Associate, has completed her 2 year assignment with the Health Department, and has been hired by the CDC in Atlanta. The Board appreciated her contributions and expressed their well-wishes for her future endeavors.

Restaurant Updates

A new residential kitchen has been permitted: French in the Kitchen.

Herd Nerd Spice has also been permitted and will be working out of the Arlington Art Lounge kitchen area.

Public Health Nurse Updates

Ms. Bongiorno informed the Board that there were 2 new West Nile Virus cases confirmed in Arlington. The Board of Health will continue to educate residents on how to reduce their risk to mosquito borne illnesses.

All flu clinics will be completed by October 27th . There is no nasal mist vaccine available this year due to concerns over its effectiveness. Numbers of children receiving the flu vaccine at public schools has shown a decrease this year.

Public Comment

Sara Friedman inquired if under the discussion of Medical Marijuana the requested language of “Recreational Areas” would cover the Arlington Minuteman Bike Trail. After discussion it was concluded that the Minuteman Bike Trail would most likely not be considered a Recreational Area that would be covered as part of a RMD “Buffer Zone”.

Meeting was adjourned at 6:37 pm.